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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DINAH CANADA, et al.,

9 Plaintiffs,

10 v.

11 MERACORD, LLC, et al.,

12 Defendants.

CASE NO. C12-5657 BHS

ORDER STRIKING MOTIONS
TO DISMISS

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14 This matter comes before the Court on Defendants Lloyd Ward & Associates,

15 P.C., Lloyd Ward, P.C., The Lloyd Ward Group, P.C., Lloyd E. Ward, and Ward

16 Holdings, Inc.'s ("Ward Defendants") motion to dismiss (Dkt. 31) and Defendants

17 Meracord, LLC and Linda Remsberg's ("Meracord Defendants") motion to dismiss,

18 compel arbitration, or stay litigation (Dkt. 34). The Court has considered the pleadings

19 filed in support of the motions and the remainder of the file and hereby strikes the

20 motions for the reasons stated herein.

1 **I. PROCEDURAL HISTORY**

2 On July 24, 2012, Plaintiffs filed a class action complaint against Defendants. Dkt.

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4 On September 19, 2012, the Ward Defendants filed a motion to dismiss. Dkt. 31.

5 On September 24, 2012, 2012, the Meracord Defendants filed a motion to dismiss. Dkt.
6 34.

7 On October 9, 2012, the Court issued a stipulated order extending the deadline for
8 an amended complaint to October, 29, 2012, (Dkt. 39), and Plaintiffs timely filed an
9 amended complaint. Dkt. 41.

10 **II. DISCUSSION**

11 Plaintiffs may file an amended pleading once as a matter of course 21 days after a
12 responsive pleading. Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs met the Court's extension of
13 that deadline. The Ward Defendants, however, contend that no possible amendment
14 could cure the deficiencies in Plaintiffs' complaint. Dkt. 40. The Court would rather
15 render a decision on the basis that allowed amendments *did* not cure potential
16 deficiencies in the complaint. The Meracord Defendants argue that their original
17 arguments apply with equal force to the amended complaint. Dkt. 46 at 7. Due process
18 requires that Plaintiffs have an opportunity to address this argument. Therefore, the
19 Court strikes both motions to dismiss.

III. ORDER

2 Therefore, it is hereby **ORDERED** that the Clerk is directed to strike both motions
3 to dismiss (Dkts. 31 & 34).

4 Dated this 13th day of November, 2012.



BENJAMIN H. SETTLE
United States District Judge